

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

HENRIK HAUSCHILDT

Plaintiff,

VS.

AGTEXAS FARM CREDIT SERVICES

Defendant.

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CIVIL ACTION NO. 6:24-cv-0086-ADA-JCM

**DEFENDANT’S RESPONSE TO PLAINTIFF’S NOTICE OF DEFAULT
AND MOTION FOR ENTRY OF DEFAULT BY THE CLERK**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW AgTexas Farm Credit Services, and makes and files this, its Response to Plaintiff’s Notice of Default and Motion for Entry of Default by the Clerk (Doc. 11) and in support would show as follows:

1. Plaintiff’s Complaint for Damages and Jury Demand (Doc. 1) was filed on February 15, 2024 (the “Complaint”). Defendant AgTexas Farm Credit Services was served on March 26, 2024. However, on March 18, 2024, Defendant AgTexas Farm Services had filed its Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) & (6) (Doc. 5). Pursuant to Rules 12(a)(4)(A) and 12(b)(6), Defendant timely filed its Motion to Dismiss in lieu of filing an answer, which postpones the time for filing an answer. *See Clark v. City of San Antonio*, No. 5:16-CV-797-DAE, 2016 U.S. Dist. LEXIS 192547, at *4-*5 (W.D. Tex. 2016).

2. For the foregoing reasons, Plaintiff’s motion for entry of default judgment should be denied.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT AGTEXAS
FARM CREDIT SERVICES**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served upon pro se Plaintiff Henrik Hauschildt by the electronic case filing system and by email on this 16th day of May, 2024.

VIA E-MAIL
Henrik Hauschildt
dhdairy@gmail.com

/s/ Stephanie E. Schwab
Stephanie E. Schwab